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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,708	02/05/2002	Luke David Jagger	NETAP021	1914
28875	7590	05/03/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,708

Applicant(s)

JAGGER ET AL.

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 & 10-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronson et al (U.S. 6,654,787 B1) and Leeds (U.S. 6,393,465 B2).

3. As per claims 1, 13 & 22 Aronson disclosed a system for generating a report on an unsolicited electronic message, the system comprising: a detector operable to detect a network address within an electronic message identified as an unsolicited message (col.4, lines 35-64), a host identifier operable to identify an authority hosting the network address (col.4, lines 51-56 & col.5, lines 50-67); and a storage medium configured to at least temporarily store the identified network address and hosting authority (col.4, lines 57-67 & col.5, lines 1-8). However Aronson did not explicitly disclose a report generator operable to generate a report containing the identified network address and hosting authority.

In the same field of endeavor Leeds disclosed a host identifier operable to identify an authority hosting the network address; a report generator operable to generate a report containing the identified network address and hosting authority (Leeds, Abstract, col.3, lines 54-67, col.4, lines 1-35); wherein the hosting authority comprises identifying an owner of a network domain. (col.4, lines 60-67, col.5, lines 1-44 & col.6, lines 52-65).

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At the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate the capability of generating a report of containing the address sending unsolicited message and sending that report to the hosting authority as taught by Leeds in a system of detecting unsolicited messages as taught by Aronson in order to make the unsolicited electronic mail system more versatile and robust and result in an effective way to combat unsolicited messages to a user.

4. As per claims 2, 11, 17-19 & 24 Aronson-Leeds disclosed the method of claim 1 further comprising transmitting the report to a central managed service provider configured to forward, the report to the identified hosting authority (Leeds, col.4, lines 36-67, col.5, lines 1-44 & col.8, lines 34-57).

5. As per claims 3, 14 & 15 Aronson-Leeds disclosed the method of claim 1 wherein examining the message to identify a network address comprises identifying a URL (Aronson, col.5, lines 50-67).

6. As per claims 4, 20 & 25 Aronson-Leeds disclosed the method of claim 3 wherein identifying a URL comprises comparing text within the electronic message to a database of words to identify the URL (Aronson, col.4, lines 57-67, col.5, lines 1-8 & col.5, lines 50-67).

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7. As per claims 5, 21 & 26 Aronson-Leeds disclosed the method of claim 3 further comprising comparing the identified URL to a database of legitimate URLs (Aronson, col.4, lines 57-67, col.5, lines 1-8 & col.5, lines 50-67).

8. As per claim 6 Aronson-Leeds disclosed the method of claim 5 further comprising updating the database based on electronic messages received (Aronson, col.6, lines 1-9).

9. As per claim 7 Aronson-Leeds disclosed the method of claim 3 wherein identifying the hosting authority comprises utilizing an Internet tool to locate a web server hosting the URL (Leeds, col.3, lines 54-67, col.4, lines 1-23, col.4, lines 60-67 & col.5, lines 1-44).

10. As per claim 8 Aronson-Leeds disclosed the method of claim 7 wherein utilizing an Internet tool comprises utilizing WHOIS (Leeds, col.5, lines 21-25).

11. As per claims 10 & 16 Aronson-Leeds disclosed the method of claim 1 wherein identifying the hosting authority comprises identifying an Internet service provider (Leeds, col.3, lines 54-67, col.4, lines 1-23, col.4, lines 60-67 & col.5, lines 1-44).

12. As per claim 12 Aronson-Leeds disclosed the method of claim 1 further comprising at least temporarily saving the report and transmitting the report to the identified hosting authority at the end of a specified period (Leeds, col.5, lines 38-44)

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13. As per claim 23 Aronson-Leeds disclosed the computer product of claim 22 wherein the computer readable medium is selected from the group consisting of CD-ROM, floppy disk, tape, flash memory, system memory, hard drive, and a data signal embodied in a carrier wave Leeds, col.3, lines 10-36).

14. As per claim 27, 28, 29, 30 & 31 Aronson-Leeds disclosed the method of claim 1 wherein identifying the hosting authority further comprises is identifying an address, an administrative contact name, an administrative contact telephone number, and name of at least one server associated with the hosting authority (Leeds, col.4, lines 37-67 & col.5, lines 1-44).

Response to Arguments

15. Applicant's arguments filed 02/13/2006 have been fully considered but they are not persuasive. When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent

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on knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

16. Applicant argued that applied art does not disclose identifying the authoring hosting the network address (of the spammer).

17. As to applicant's arguments Arnson disclosed that the source header data from an incoming e-mail address (aardvark@aol.com) is analyzed by the spam probes. The source header data includes the ISP (in this case "aol") hosting the spammer's network address (see col.4, lines 45-67). Additionally Leeds also describes the similar process of identifying the host name of the spammer's address (please see col.4, lines 60-67 & col.5, lines 1-45).

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

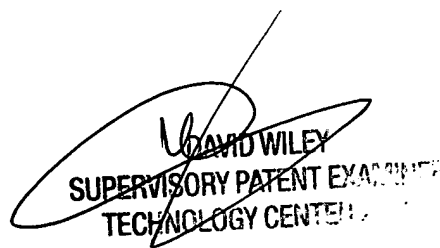
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AB

Asghar Bilgrami
Examiner
Art Unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER